

REMARKS

The Office Action mailed December 21, 2005, has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Drawings and Specification

The drawing figures and specification have been amended in order to address the objections raised under the heading "Drawings" in the Office Action. No new matter has been introduced. Approval of the drawing amendments is respectfully requested.

Canceled Claims

Claims 6, 11, 20, 24, 29, 38, 42, 47, 63, 68, 84, 89 and 105 have been canceled without prejudice or disclaimer of the subject matter contained therein.

Rejection(s) Pursuant to Judicially-Created Double Patenting

Claims 1-117 stand provisionally rejected pursuant to the judicially-created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-42 and 65-73 of prior U.S. pat. no. 10/814,868, and as allegedly being unpatentable over claims 14-72 of prior U.S. pat. no. 10/814,866. A terminal disclaimer is submitted herewith.

Rejection(s) Under 35 U.S.C. § 103(a)

Claims 1-117 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Brice et al. in view of Eitan, Mehta, Shibata et al., Houston, Naffziger et al., and Bertin.

Claims 1, 19, 55, 37, 76 and 97 have been amended to recite, for example according to exemplary claim 1, programming “by way of one or both a charge-adding mechanism with which a first floating gate device of said pair is associated and a charge-removing mechanism with which a second floating gate device of said pair is associated.” This feature is not disclosed in Brice, and its absence is not remedied by any of Mehta, Shibata, Houston, Naffziger and Bertin, even if the teachings of Brice were properly combinable with the teachings of these additional references, which is not conceded. It will be appreciated, that, according to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.¹

Conclusion

In view of the preceding discussion, applicant respectfully urges that the claims of the present application define patentable subject matter and should be passed to allowance.

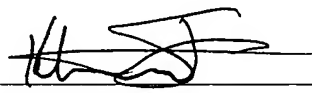
If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

¹ M.P.E.P § 2143.

Please charge any additional required fees, including fees for any extensions of time necessary to render timely the filing of the instant Amendment and/or Reply to Office Action, for which applicant hereby respectfully petitions, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

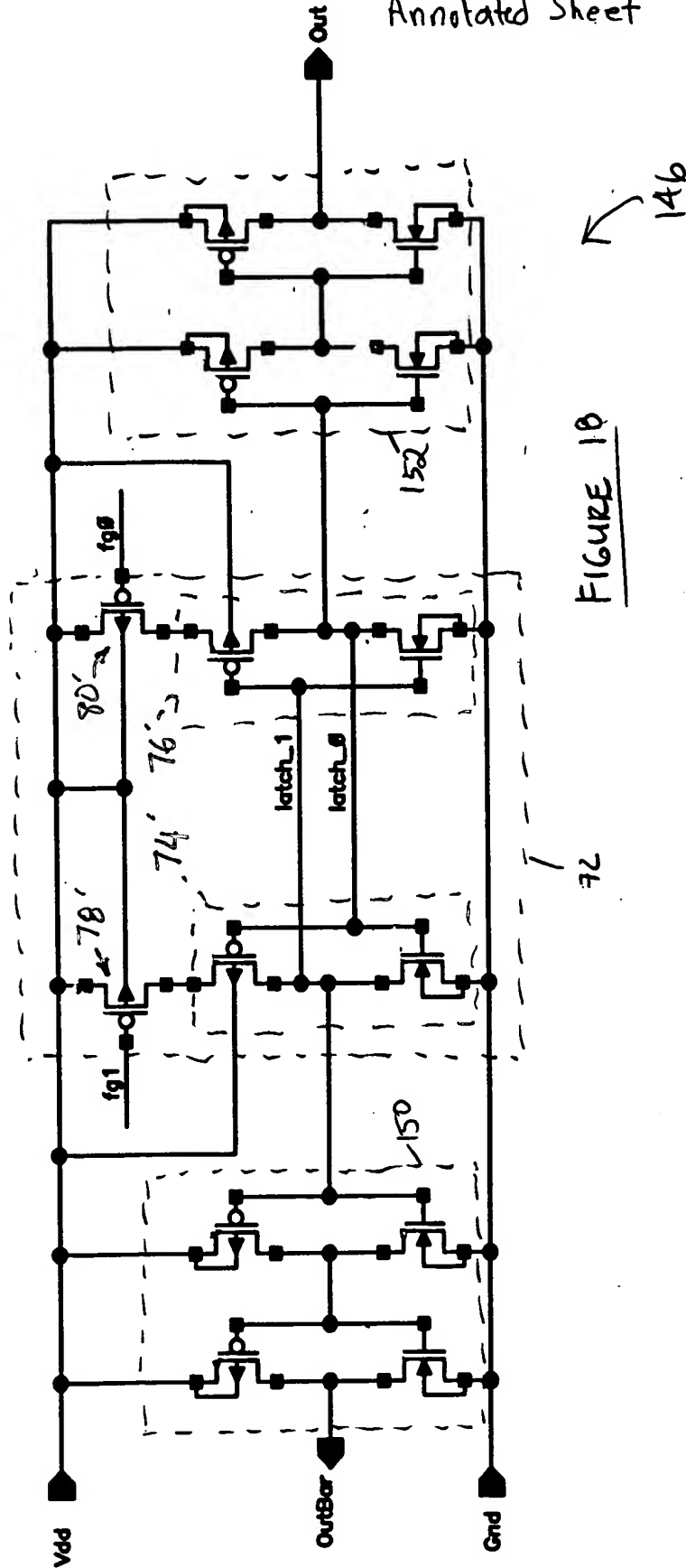
Respectfully submitted,
THELEN REID & PRIEST, L.L.P.

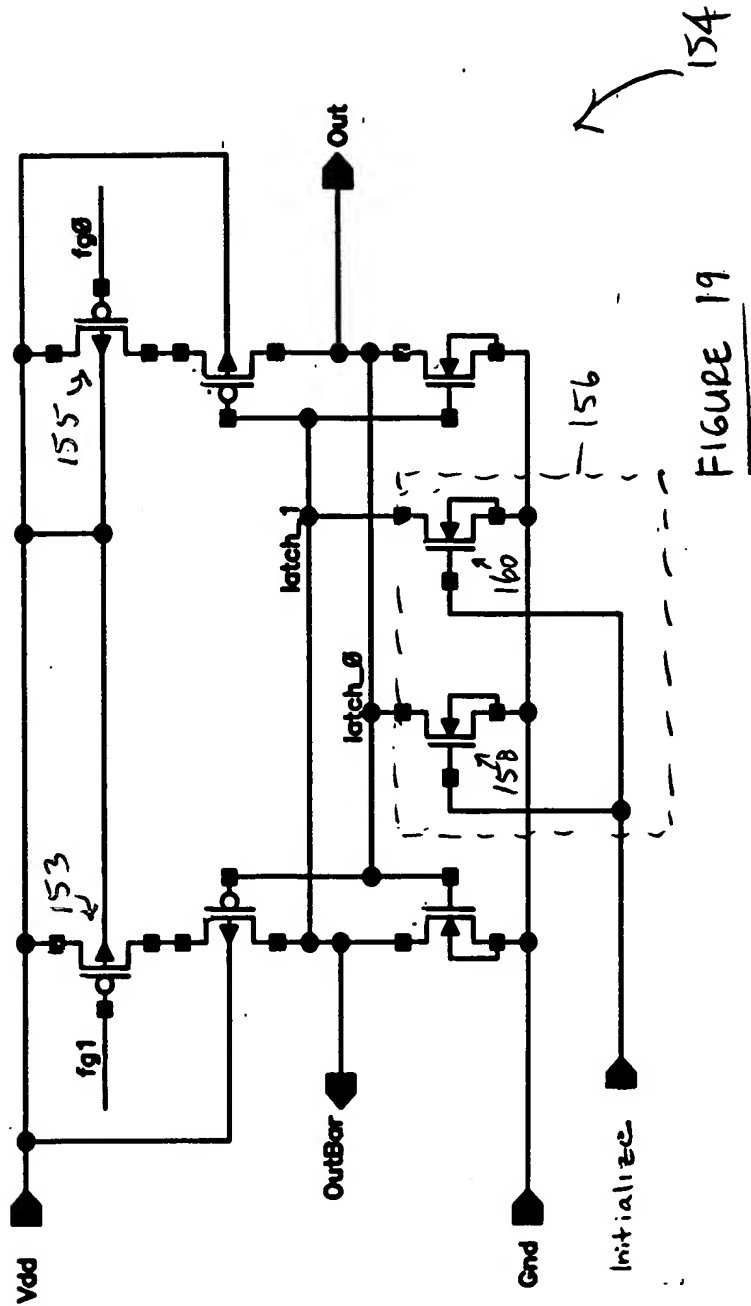
Dated: 5/22/06


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Annotated Sheet





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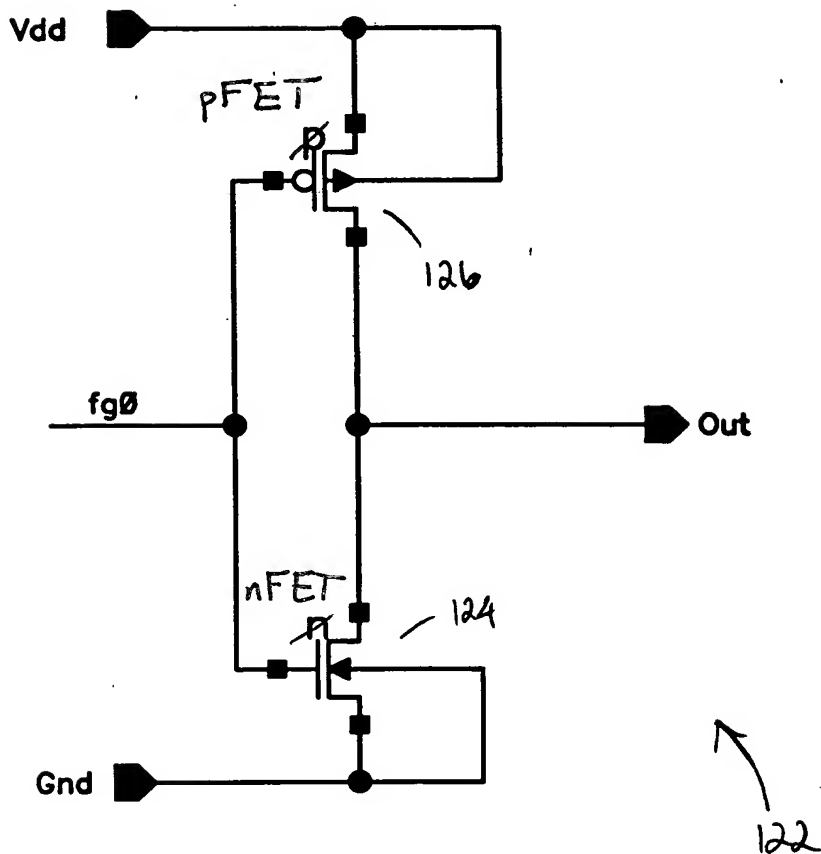


FIGURE 12B